

REMARKS

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This amendment is submitted in response to the Office Action mailed on December 8, 2006. Claims 1-3, 5-15 and 17-23 are pending and have been rejected. New claims 24-27 have been added. Favorable reconsideration of the application, as amended, is respectfully requested.

1. 35 U.S.C. 103(a) Rejections over Miller et al. in view of Marzocchi et al.

Claims 1, 3, 5-8 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 6,228,785) in view of Marzocchi et al. (US 4,265,563). Miller et al. discloses roof coverings including a glass fiber roofing mat and an asphalt-based coating material. Marzocchi et al. discloses a composition for road paving including asphalt and glass flakes. Before adding them to the asphalt, the glass flakes are treated with a silane coupling agent or with a mixture of an amino silane and elemental sulfur.

The Examiner stated that it would have been obvious to modify the glass fiber mat of Miller et al. with the sizing agent of Marzocchi et al. to improve the adhesion between the glass fibers and the asphalt-based coating material, and that although Marzocchi et al. does not teach the claimed tear strength improvement, it is presumed that this property is inherent to Marzocchi et al.

Applicants respectfully request the Examiner to reconsider the previously submitted arguments and declarations showing that it is not proper to combine the teachings of Marzocchi et al. with those of Miller et al. because they relate to distinctly different fields. Marzocchi et al. relates to a road paving composition whereas Miller et al. relates to a roof covering. David Jones, an expert in both the fields of roof coverings and road paving materials, has submitted two declarations giving his opinion that persons skilled in the roof covering field would not look to the road paving field for teachings that could be applicable to roof coverings.

The Examiner argued that both Miller et al. and Marzocchi et al. relate to building materials. However, this attempt to categorize them both into a broad generic field does not negate the fact that roof coverings are very different from road

paving compositions. Mr. Jones in his latest declaration stated that persons skilled in the art would not categorize a paving material as a building material.

The Examiner argued that the Prior Art section of the Marzocchi et al. patent proves that roof coverings and road paving compositions are in the same field because it discloses patents relating to both roof coverings and road paving compositions. However, the fact that the Marzocchi et al. patent discusses prior art relating to both fields cannot outweigh the expert opinion of Mr. Jones that they are different fields. Further, there is no suggestion in the Marzocchi et al. patent that their disclosed invention could be applicable to a roof covering. The Marzocchi et al. invention is described as being solely applicable to a road paving and repair composition.

Moreover, the patents in the Prior Art section of the Marzocchi et al. patent do not suggest that teachings related to a road paving asphalt composition containing dispersed particles of glass flake, like in the Marzocchi et al. invention, could be applicable to a roof covering including a roofing mat coated with asphalt, like in the Miller et al. invention.

In view of the above remarks and the previously submitted arguments and declarations, Applicants respectfully submit that the claims are patentable over Miller et al. and Marzocchi et al.

2. 35 U.S.C. 103(a) Rejections over Miller et al. in view of Marzocchi et al., and further in view of Williams et al.

Claims 2, 9-15, 17-21 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Marzocchi et al., and further in view of Williams et al. (US 4,265,563). Williams et al. discloses polymer composite articles including a polymer, an inorganic substrate, and a polysulfide silane coupling agent applied to the substrate. The Examiner stated that it would have been obvious to modify the glass fiber mat of Miller et al. with the sulfide silane coupling agent of Williams et al. to simplify the coating of the glass fibers to one chemical treatment and to improve the strength of the resin phase.

With regard to claim 2, Applicants respectfully request the Examiner to reconsider the previously submitted arguments and declarations showing that it is not

proper to combine the teachings of Williams et al. with those of Miller et al. because they relate to distinctly different fields. Williams et al. relates to polymer composite articles whereas Miller et al. relates to asphalt-based roof coverings. Mr. Jones in his declaration gave his expert opinion that a person skilled in the art of roof coverings would not look to the polymer composite field for teachings that could be applicable to roof coverings.

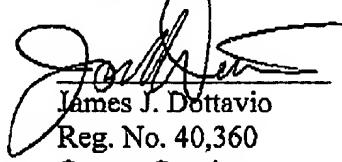
Claims 9-15, 17-21 and 23 recite both a bonding material (for example, a vinyl silane) included in the sizing applied to the fibers and sulfur added to the asphalt-based coating material that coats the mat. Even if the Miller et al., Marzocchi et al. and Williams et al. teachings could be combined, there is no suggestion in any of these patents or their combination of both a bonding material included in a sizing and sulfur added to an asphalt-based coating material. In one embodiment, Marzocchi et al. includes a mixture of an amino silane and elemental sulfur applied to the glass flake (see column 9, line 31 to column 10, line 12). Marzocchi et al. describes reacting the sulfur with the glass to produce disulfide functionality on the glass flakes that will subsequently react with the asphaltene portion of the asphalt. Thus, Marzocchi et al. teaches applying the sulfur to the glass flakes, and there is no suggestion to add the sulfur to the asphalt. Marzocchi et al. teaches that the benefits of the invention are obtained by applying both the amino silane and the sulfur to the glass flakes. There is no suggestion that any benefits can be obtained by adding sulfur to the asphalt.

Likewise, Williams et al. teaches applying a polysulfide silane coupling agent to a substrate. There is no suggestion to add anything to the polymer matrix. Williams et al. does not even suggest the addition of sulfur to any part of the composition. In view of the above, Applicants respectfully submit that claims 9-15, 17-21 and 23 are patentable over the cited patents.

New claim 26 recites a method of producing a roof covering in which a bonding material is added to the sizing and an asphalt is added to the asphalt. For at least the same reasons, it is submitted that this claim is also patentable over the cited patents.

In view of the above, Applicants respectfully submit that the claimed invention is patentable over the prior art. A Notice of Allowance is respectfully requested.

Respectfully submitted,



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